

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.19420 of 2020

Moorthy

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Anti Vice Squad II,
Central Crime Branch,
Chennai.
(Crime No.34 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.34 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.11.2020 for the offences punishable under Section 3(2) a, 4(1), 5(1)a of Immoral Traffic (Prevention) Act, 1956 r/w 370 (iii) of IPC in Crime No.34 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with A1 was running prostitution in the name of Good Look Unisex Saloon SPA by engaging three victim girls.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a hair stylist and he was working in the Saloon run by A1 and A1 is the owner of the Saloon and the petitioner is nothing to do with the offence alleged by the prosecution. He would submit that there is no previous case against the petitioner and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with A1 was running prostitution in the guise of running the SPA and they had engaged three victim girls for running prostitution. He would submit that there is no previous case as against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Poonamallee and on further conditions that;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police every day at 10.30.a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005) AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANTI VICE SQUAD II,
CENTRAL CRIME BRANCH,
CHENNAI.

5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

CC to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

CRL OP.19420/2020

Date :09/12/2020

MN-11/12/2020

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